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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,479	10/16/2003	Sean Colbath	02-4033	5448

7590 11/16/2007  
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EXAMINER
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PYO, MONICA M

ART UNIT	PAPER NUMBER
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2161

MAIL DATE	DELIVERY MODE
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11/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/685,479	COLBATH ET AL.	
	Examiner	Art Unit	
	Monica M. Pyo	2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/07; 7/07 &amp; 9/07</u> . | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. In view of the appeal brief filed on August 8, 2007, PROSECUTION IS HEREBY REOPENED. A rebuttal to the Reply Brief is set forth below.


To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)

2. Claims 1-19 are currently pending in this application. Claims 1, 9, 16 and 18 are independent claims. Claims 12-15 were withdrawn and claims 1-11 and 16-19 are examined. Claims 1-11 and 16-19 are rejected.

***Information Disclosure Statement***

  
APU MOFIZ  
SUPERVISORY PATENT EXAMINER

3. The information disclosure statement (IDS) submitted on 5/21/2007, 7/2/2007 and 9/18/2007 was filed and being considered by the Examiner.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 18-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 18-19, these claims recite the limitation "a predetermined number of the document" (i.e., lines 4-5 of claim 18) and "the predetermined number of the documents" (i.e., lines 1-2 of claim 19). However, the specification does not disclose the feature of "predetermined number" and the feature of "predetermined number of the documents is equal to approximately half of the documents". Thus, these claimed limitations constitutes new matter since there was no support for these claim limitation in the original specification.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,388 issued to Liddy et al. (hereinafter) in view of U.S. Patent No. 6,778,979 issued to Grefenstette et al. (hereinafter Grefenstette) and further in view of U.S. Patent No. 6,266,667 issued to Olsson et al. (hereinafter Olsson).

Regarding Claims 1, 9 and 18, Liddy disclose a method of creating labels for clusters of documents, comprising:

- A). **identifying topics associated with the documents in the clusters**, as a newspaper articles or titles from documents (Liddy: col. 25, Ins. 30-37),
- B). **determining whether the topics are associated with the documents in the clusters**, as the user being able to indicate those documents deemed most relevant by highlighting document titles or summaries (Liddy: col. 25, Ins. 38-45);
- D). **forming labels for the clusters from the cluster lists**, as the newspaper article or titles from documents are used to form labels for clusters (Liddy: col. 25, Ins. 14-45).

Liddy does not explicitly disclose:

- B)/C). **at least half of,**
- C). **adding ones of the topics that are associated with the documents in the clusters to cluster lists; and.**

However, Grefenstette discloses:

- C). **adding ones of the topics that are associated with the documents in the clusters to cluster lists**, as documents are assigned class labels (Grefenstette: col. 49, Ins. 18-37); **and**

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Liddy with the teachings of Grefenstette to utilize the cluster labels with the motivation to enhance the automatic generation of a query method (Grefenstette: col. 2, Ins. 66-col. 3, Ins. 15).

Liddy and Grefenstette do not explicitly disclose:

- B)/C). **at least half of.**

However, Olsson discloses:

**B)/C). at least half of**, as a most of documents in a group (Olsson: col. 2, lns. 49-62).

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Liddy and Grefenstette with the teachings of Olsson to utilize the idea of most documents in a same cluster group with the motivation to enhance the method of finding and retrieving relevant electronic information (Olsson: col. 1, lns. 9-13).

Regarding Claim 2, Liddy and Grefenstette and Olsson discloses the method wherein the identifying topics includes: using a probabilistic Hidden Markov Model to determine the topics (Grefenstette: col. 25, lns. 60-67).

Regarding Claim 3, Liddy and Grefenstette and Olsson discloses the method wherein the forming labels includes:

ranking the ones of the topics (Grefenstette: col. 36, lns. 1-23) and  
placing the ones of the topics in the labels in ranked order (Grefenstette: col. 35, lns. 34-53) ).

Regarding Claims 4 and 10, Liddy and Grefenstette and Olsson disclose the method wherein the ranking the ones of the topics includes:

assigning ranks to the ones of the topics based on a number of the documents with which the ones of the topics are associated (Liddy: col. 21, lns. 28-52) and (Grefenstette: col. 35, lns. 34-53; col. 36, lns. 1-23).

Regarding Claims 5 and 17, Liddy and Grefenstette and Olsson disclose the method further comprising:

ranking the ones of the topics based on a number of the documents with which the ones of the topics are associated (Liddy: col. 24, lns. 56-col. 25, lns. 2; col. 25, lns. 30-37) and (Olsson: col. 2, lns. 49-62).

Regarding Claim 6, Liddy and Grefenstette and Olsson disclose the method wherein when a first one of the ones of the topics, as a first topic, is associated with a majority of the documents in one of the clusters and a second one of the ones of the topics, as a second topic, is associated with less than the majority of the documents in the one of the clusters, the first topic is ranked higher than the second topic (Liddy: col. 10, lns. 1-11; col. col. 21, lns. 59-67; col. 26, lns. 14-39) and (Olsson: col. 2, lns. 49-62).

Regarding Claim 7, Liddy and Grefenstette and Olsson disclose the method wherein the ranking the ones of the topics includes: assigning higher ranks to first ones of the ones of the topics that are associated with larger numbers of the documents than second ones of the ones of the topics that are associated with smaller numbers of the documents (Liddy: col. 21, lns. 22-45; col. 26, lns. 1-27; col. 33, lns. 4-8, 11-26; col. 33, lns. 65- col. 34, lns. 9).

Regarding Claim 8, Liddy and Grefenstette and Olsson disclose the method wherein the forming labels includes:

sorting the cluster lists based on the rankings of the ones of the topics (Liddy: col. 3, lns. 42-48).

Regarding Claim 11, Liddy and Grefenstette and Olsson disclose the system wherein the means for generating a label includes:

means for sorting the one or more of the topics based on the ranking to form the label for the cluster (Liddy: col. 3, lns. 42-48; col. 25, lns. 34-41).

Regarding Claim 16, this claim is also rejected based upon the same reasoning as Claims 1, 9 and 19 above. Additioanlly, Liddy discloses a topic detection system, comprising:

**a decision engine configured to;**

**A). receive a plurality of documents,** as a large portion of the retrieved documents (Liddy: col. 25, lns. 3-23) ,and

**B). group the documents into a plurality of clusters,** as a document clustering (Liddy: col. 25, lns. 14-29); and

Regarding Claim 19, Liddy and Grefenstette and Olsson disclose the method wherein the predetermined number of the documents is equal to approximately half of the documents (Olsson: col. 2, lns. 49-62).



*Response to Arguments*

8. Applicant's arguments, see Appeal Brief filed 8/8/2007, with respect to claims 1-11 and 16-19 have been fully considered and are persuasive. The rejection of claims 1-11 and 16-19 has been withdrawn.

*Conclusion*


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The examiner can normally be reached on Mon & Thur 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
Art Unit 2161

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11/11/2007

  
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